

Dianne C. Kerns, Trustee  
Office of Chapter 13 Bankruptcy  
PMB #413  
7320 N. La Cholla #154  
Tucson, AZ 85741  
Telephone (520) 544-9094

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

IN RE: ) CHAPTER 13 PROCEEDINGS  
 )  
JASON EDWARD VANWORMER ) CASE NO.: 16-bk-13570-SHG  
THERESA MARIE VANWORMER )  
 )  
 ) 2017 IRS and ADOR  
 )  
DEBTORS )  

---

**TRUSTEE MOTION TO DISMISS FOR FAILURE TO SUBMIT  
POST-PETITION TAX RETURNS  
AND  
NOTICE OF INTENT TO LODGE ORDER DISMISSING CASE WITHOUT A  
HEARING**

DIANNE CRANDELL KERNS, the Standing Chapter 13 Trustee, hereby moves this Court to dismiss this Chapter 13 case pursuant to 11 U.S.C. §§ 521, 1308(a) and LRBp 2084-5. In support of this Motion the Trustee asserts that:

1. Debtors filed for relief on November 29, 2016.
2. The 341(a) Meeting of Creditors was first scheduled for January 06, 2017.
3. Pursuant to 11 U.S.C. §§521(f), at the request of the Trustee, the Debtors shall file with the court\*, post petition tax returns each year the bankruptcy case is pending.
4. The Trustee has requested such filing:
  - a. In the Debtor Information Packet provided at commencement of this case; \*\*
  - b. In the plan objection/evaluation filed in this case.
  - c. The Trustee also sent a letter to the Debtors requesting said tax returns.
5. To the best of the Trustee's knowledge and belief, the Debtors have not provided copies of the required tax returns to the Trustee.

6. Pursuant to LRPB 2084-5 "Unless the court grants a motion for an extension of time, if a debtor fails to comply with Bankruptcy Code §§521(e) or (f), or § 1308(a), the case trustee may upload a dismissal order and the court may summarily dismiss the case, or the case trustee may file a motion to dismiss..."

In this case the Debtors have failed to provide copies of the **2017 IRS and ADOR** tax returns to the Trustee in compliance with 11 U.S.C. §§521 and LRPB 2084-5. WHEREFORE the Trustee respectfully requests that the Court dismiss this case.

The Trustee further gives notice of her intent to upload an order dismissing this case WITHOUT FURTHER NOTICE OF HEARING unless the Debtors file an objection to this motion including documentation that the taxes have been submitted to the Trustee.

Dated: January 03, 2019

OFFICE OF THE CHAPTER 13 TRUSTEE  
7320 N. La Cholla #154-413  
Tucson, AZ 85741

By /s/ DCK 011557

\_\_\_\_\_  
Dianne Crandell Kerns, Chapter 13 Trustee

Copy of the foregoing lodged with U.S. Bankruptcy Court and mailed this: 1/3/2019

JASON EDWARD VANWORMER  
THERESA MARIE VANWORMER  
9662 E NIDO AVE  
MESA, AZ 85209

DANIEL E GARRISON  
THE TURNAROUND TEAM PLLC  
1166 E WARNER RD. STE 205  
GILBERT, AZ 85296

Submitted By Nancy Strickler

\* The Bankruptcy Code requires that the debtor file tax returns with the bankruptcy court. Recognizing that this may be uncomfortable to certain debtors, the Trustee requests only the the tax returns be submitted to her office.

\*\* Debtor Information Packet is also availabe on the Trustee's website: [www.dcktrustee.com](http://www.dcktrustee.com)